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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
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12 UNITED STATES OF AMERICA,
13 Plaintiff,
14
15 v.
16 JAGEHAUEL GILLESPIE,
17 Defendant.

Case No. CR 15-7 JAK
ORDER OF DETENTION

18 I.
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20 The Court conducted a detention hearing on Defendant's motion for review
21 of a previous detention order in a case allegedly involving a narcotics or controlled
22 substance offense with maximum sentence of ten or more years.
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24 The Court concludes that the Government is entitled to a rebuttable
25 presumption that no condition or combination of conditions will reasonably assure
26 the defendant's appearance as required and the safety of any person or the
community [18 U.S.C. § 3142(e)(2)].
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1 II.
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3 The Court finds that no condition or combination of conditions will
4 reasonably assure: the appearance of the defendant as required.
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6 the safety of any person or the community.
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8 If presumption applies, the Court finds that the defendant has not rebutted
9 the § 3142(e)(2) presumption by sufficient evidence to the contrary.
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11 III.
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13 The Court has considered: (a) the nature and circumstances of the offense(s)
14 charged, including whether the offense is a crime of violence, a Federal crime of
15 terrorism, or involves a minor victim or a controlled substance, firearm, explosive,
16 or destructive device; (b) the weight of evidence against the defendant; (c) the
history and characteristics of the defendant; and (d) the nature and seriousness of
the danger to any person or the community. [18 U.S.C. § 3142(g)] The Court also
considered all the evidence adduced at the hearing and the arguments, the
arguments of counsel, and the report and recommendation of the U.S. retrial
Services Agency.
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IV.
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19 The Court bases its conclusions on the following:
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21 As to risk of non-appearance:
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23 Lack of bail resources
24 Refusal to interview with Pretrial Services
25 No stable residence or employment
26 Previous failure to appear or violations of probation, parole, or
release
27 Ties to foreign countries
28 Unrebutted presumption [18 U.S.C. § 3142(e)(2)]
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As to danger to the community:

- Nature of previous criminal convictions
- Allegations in present charging document
- Substance abuse
- Already in custody on state or federal offense
- Unrebutted presumption [18 U.S.C. § 3142(e)(2)]
- See separate statement of decision

V.

- The Court finds a serious risk that the defendant will
 - obstruct or attempt to obstruct justice.
 - threaten, injure or intimidate a prospective witness or juror, or attempt to do so.

The Court bases its conclusions on the following:

VI.

IT IS THEREFORE ORDERED that the defendant be detained until trial.

The defendant will be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant will be afforded reasonable opportunity for private consultation with counsel. On order of a Court of the United States or on request of any attorney for the Government, the person in charge of the corrections facility in which defendant is confined will deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

[18 U.S.C. § 3142(i)]

Dated: February 24, 2015



HON. MICHAEL R. WILNER
UNITED STATES MAGISTRATE JUDGE